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NAME OF VETERAN K. D. WASHINGTON	VA FILE NUMBER 24 139 036	SOCIAL SECURITY NR 074-36-6266	POA	

**ISSUE:**

1. Evaluation of post-traumatic stress disorder currently evaluated as 50 percent disabling.
2. Entitlement to individual unemployability.
3. Eligibility to Dependents' Educational Assistance under 38 U.S.C. chapter 35.

**EVIDENCE:**

VA contract examination dated 08-04-98 from Cassandra Wanzo, M.D., Atlanta, GA.

VA Form, 21-8940, Veteran's Application for Increased Compensation Based on Unemployability.

Notice of Award from the Social Security Administration dated 02-23-98.

Letter from A. Benjamin Eubanks, M.D., Adult, Adolescent, Family Psychiatry and Psychopharmacology, Atlanta, GA dated 07-13-98 and Certification of Physician or Practitioner, (Family and Medical Leave Act of 1993), U.S. Department of Labor, signed by A. Benjamin Eubanks, M.D., dated 05-05-98.

**DECISION:**

1. Evaluation of post-traumatic stress disorder, which is currently 50 percent disabling, is increased to 70 percent effective May 7, 1998.
2. Entitlement to individual unemployability is granted effective May 7, 1998.
3. Basic eligibility to Dependents' Educational Assistance is established from May 7, 1998.

**REASONS AND BASES:**

1. The evaluation of post-traumatic stress disorder is increased to 70 percent disabling effective May 7, 1998. An evaluation of 70 percent is assigned for occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as: suicidal ideation; obsessional rituals which interfere with routine activities; speech intermittently illogical, obscure, or irrelevant; near-continuous panic or depression affecting the ability to function independently, appropriately and effectively; impaired impulse control (such as unprovoked irritability with periods of violence); spatial disorientation; neglect of personal appearance and hygiene; difficulty in adapting to stressful circumstances (including work or a worklike setting); inability to establish and maintain effective relationships. A higher evaluation of 100 percent is not warranted unless there is total occupational and social impairment due to such symptoms as: gross impairment in thought processes or communication; persistent delusions or hallucinations; grossly inappropriate behavior; persistent danger of hurting self or others; intermittent inability to perform activities of daily living (including maintenance of minimal personal hygiene); disorientation to time or place; memory loss for names of close relatives, own occupation, or own name.

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VA contract exam was reviewed. The veteran reported that he has been treated by a psychiatrist since July, 1997. He sees a psychiatrist every one to two weeks and has been treated with Effexor and Ritalin. He also reported that he had to resign because of inability to perform job function secondary to his PTSD symptoms and depression. He has withdrawn socially and gets nauseous and is very uncomfortable in large crowds. He reported an inability concentrate and irritability. He is detached from his wife and friends and reported constant fatigue and depression. He is unable to sleep, has recurring thoughts and nightmares about his experiences in Vietnam. He also reported short-term memory. He experiences an increased startle response. He stated that he "jumps out of his skin" when a car backfires. He stated that he is always looking behind himself, out of the corner of his eye. He thinks about death to relieve the pain. He has flashbacks of people who have died in his arms and nightmares of shells, gun powder and burning flesh. He experiences initial insomnia, waking up in a cold sweat, with frequent awakenings. He is fearful of the darkness because most of his work in Vietnam was at night. Mental status exam revealed that the veteran's speech was fluent and coherent but very circumstantial. His affect was constricted with irritable and depressed mood. He was able to do serial 7's but with great difficulty and very slowly. The diagnosis showed post-traumatic stress disorder, chronic, delayed onset. Axis IV of the diagnosis showed occupational problem. Discussion showed that the veteran's major depression represents a progression of his post-traumatic stress disorder.

2. Entitlement to individual unemployability is granted because the claimant is unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

Total disability will be considered to exist when there is impairment of mind or body which is sufficient to make it impossible for the average person to follow substantially gainful employment. Total disability ratings for compensation will be assigned when the combined evaluation is less than total (100 percent) when the disabled person is, in the judgment of the rating agency, unable to secure or follow a gainful occupation as a result of service-connected disabilities.

Consideration of a total evaluation based on unemployability requires that, if there is only one service-connected disability, it must be rated at 60 percent or more. If there are two or more service-connected disabilities, at least one must be rated at 40 percent or more with additional service-connected disabilities to result in a combined evaluation of 70 percent or more.

VA Form 21-8940 shows that the veteran last worked from 01-26-98 to 04-21-98 at Citizens Trust Bank, Atlanta, GA as a bank officer. The veteran stated on an attachment to the form that he was asked to resign on 04-21-98 after it became apparent that he was not up to the demands of the position.

The Notice of Award from the Social Security Administration found that the veteran became disabled under their rules on 08-06-96.

The letter from Dr. Eubanks stated that the veteran is currently totally disabled. He was advising the employers of the veteran's wife that it is advised that Mrs. Washington spend as much time as possible with

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the veteran as he attempts a very difficult rehabilitation program. The U.S. Department of Labor form shows a diagnosis of post-traumatic stress disorder and major depression, extreme, recurrent. The veteran's spouse was requesting family leave to participate in Couples' Therapy as was recommended by the veteran's physician.

Individual unemployability benefits are granted since the veteran's evaluation meets the schedular requirements.

3. Eligibility to Dependents' Educational Assistance is derived from a veteran who was discharged under other than dishonorable conditions and has a permanent and total service-connected disability; or a permanent and total disability was in existence at the time of death; or the veteran died as a result of a service-connected disability. Basic eligibility to Dependents' Educational Assistance is granted as the evidence shows the veteran currently has a total service-connected disability, permanent in nature.